

# Town of Westwood

## Personnel Policies



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## 1.0 GENERAL PROVISIONS

### 1-1. AUTHORIZATION

These policies are promulgated in accordance with the authority granted by the Town Charter and Personnel Bylaw (Appendix A). In the case of any policy incorporated within any collective bargaining or personal employment contract, promulgation shall be as provided in the applicable contract.

### 1-2. PURPOSE

The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Westwood. Nothing in these policies shall be construed to create a contract or term of employment between the Town and an individual employee. Employees subject to these provisions remain employed at will, except where a collective bargaining agreement covering a position provides otherwise. We have provided this information as a reference to assist employees during their employment with the Town. It is not intended to, nor does it alter an employee's status as an at-will employee. Except as otherwise prohibited by law, the Town reserves the right to modify, amend or discontinue any of the provisions herein.

These policies are consistent with the following principles:

(A) Recruitment, selection, and classification of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.

(B) Employment shall be open to all segments of society.

(C) Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, or other non-merit factors and with proper regard for privacy and constitutional rights.

(D) Retention and advancement of employees shall be determined on the basis of their performance. Where otherwise appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.

### 1-3. RULES OF INTERPRETATION

(A) These policies are intended to be in accordance with all applicable State and Federal laws, collective bargaining agreements, and civil service rules. In the event of inconsistencies, the applicable State or Federal law, collective bargaining agreement, or civil service rule shall apply.

(B) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

### 1-4. DEFINITIONS

The following definitions shall apply:

(A) "*Appointing authority*" shall mean any board or official authorized by General Law, the Town Charter, or otherwise to appoint employees.

(B) "*Department head*" shall mean the officer responsible for supervising a department's operations and activities. A department head may be an appointing authority.

(C) "*Employee*" shall mean an employee of the Town of Westwood occupying a position in the classification plan.

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(D) *"Full-time employee"* shall mean an employee working not less than thirty-five (35) hours per week for fifty-two (52) weeks per year minus legal holidays and authorized vacation leave, sick leave, bereavement leave, jury duty, or other authorized leave of absence.

(E) *"Human Resources Director"* shall mean the person appointed to the position created by Section 90-4 of the Town Bylaws. In the absence of a Human Resources Director, said functions shall be performed by the Town Administrator or his/her designee.

(F) *"Part-time employee"* shall mean an employee working less than a full-time employee, provided, however, only part-time employees working twenty (20) or more hours a week, at least thirty (30) weeks a year shall be eligible for holiday pay, vacation leave, sick leave, longevity pay, bereavement leave, jury duty, or other authorized leave of absence.

(G) *"Temporary or Seasonal employee"* shall mean any employee in the Town service for which a specified tenure of service is stipulated at, or before, the time of hire and any employee holding a temporary appointment under a civil service law who does not have a permanent status. Temporary and Seasonal employees are not entitled to benefits.

(H) *"Town"* shall mean the Town of Westwood.

(I) *"Town Administrator"* shall mean the person appointed to the position created by Chapter 6 of the Town Charter, or that person's designee.

**1-5. NOTICE**

Any notice required hereunder, unless otherwise specified, shall be provided to the Town Administrator and Human Resources Director.

**1-6. AMENDMENT OF POLICIES**

Amendment to these policies shall be in accordance with the Charter and Section 5 of the Personnel Bylaw.

**2.0 ADMINISTRATION**

**2-1. THE TOWN ADMINISTRATOR SHALL:**

(A) Be responsible for the administration of the personnel policies promulgated pursuant to the Personnel Bylaw of the Town (Appendix A) and shall, at the discretion of the Town Administrator, designate an employee to manage and act as the Human Resources Director responsible for the daily administration of the personnel system;

(B) Ensure that the Town acts affirmatively to provide maximum opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability in entry level and promotional positions, and to provide fair and equal treatment in all aspects of personnel management;

(C) Ensure that recruitment, selection, appointment, retention, discipline, and separation of employees is consistent with the Personnel Bylaw and the personnel policies;

(D) Supervise and maintain a centralized personnel record keeping system; and

(E) Provide advice and assistance to the Personnel Board, department heads, supervisory personnel and employees with respect to the Personnel Bylaw and Policies.

**2-2. THE PERSONNEL BOARD SHALL:**

(A) Formulate and review the classification plan and the compensation plan;

(B) Evaluate and make recommendations with respect to classification of positions, including requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices;

(C) With the Town Administrator, monitor the implementation and practices of the Town's personnel policies; and

(D) Provide advice and assistance, to the extent requested, to the Town Administrator and Human Resources Director on any aspect of the personnel policies and practices.

**3.0 EQUAL EMPLOYMENT OPPORTUNITY**

**3-1. EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM**

The Town of Westwood commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

The Town of Westwood, recognizing the right of an individual to work and to advance on the basis of merit, ability, and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, national ancestry, or age, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training programs, and all terms and conditions of employment. The Town of Westwood shall strive to eliminate any systemic discrimination that may be pervasive throughout the place of employment, or throughout the personnel program that could adversely affect the Town's goals relative to equal employment opportunity.

It is intended that the affirmative action plan of the Town shall constitute a formalization of philosophy and practice sufficient to guarantee equality for all persons employed by or seeking employment with the Town of Westwood, and shall serve as a firm statement of public policy endorsed by the highest levels of Town Government.

**3-2. STRUCTURE AND IMPLEMENTATION**

The Town Administrator shall annually appoint an Affirmative Action Officer. In the absence of such appointment, said position shall be filled by the Town Administrator.

**3-3. THE AFFIRMATIVE ACTION OFFICER SHALL:**

(A) Be responsible for the development and implementation of policies, procedures, guidelines, and regulations for the Town to ensure that the Town employment process operates in compliance with Titles VI and VII of the Civil Rights Act of 1964 and all subsequent amendments, relevant State laws, and Municipal policy; and

(B) Monitor hiring practices and appointments of all Town departments and agencies of Town Government for compliance with federal and state law as cited above.

**3-4. COMPLAINT PROCEEDINGS**

Any written complaint alleging violation of the procedural terms and intent of this section shall be processed in accordance with the provisions of the Affirmative Action Program, except that complaints of discriminatory treatment on the basis of a disability should be referred to the Affirmative Action Officer.



#### **4.0 ANTI-HARASSMENT POLICY**

##### **4-1. COVERAGE**

All persons employed by the Town of Westwood, including those firms and individuals who are contracted to perform work for the Town or who serve in some voluntary capacity for the Town.

##### **4-2. POLICY**

The Town of Westwood expressly prohibits any form of harassment among its employees based on gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, and disability. Allegations of harassment will be vigorously investigated, and violations of this policy will result in disciplinary actions up to and including termination. Employees may make complaints of harassment without fear of reprisal, and confidentiality will be maintained to the maximum extent possible.

The Town's complete Anti-Harassment Policy, including the complaint procedure, is incorporated herein as Appendix B.

#### **5.0 RECRUITMENT AND APPOINTMENT**

##### **5-1. COVERAGE**

Full-time and part-time employees.

##### **5-2. POLICY**

The Town shall make every effort to attract and employ qualified persons. Every person, regardless of age, race, color, religious creed, gender, sexual orientation, national origin, political affiliation, or disability, applying for employment in the Town will receive fair and equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates are attracted for various positions. The recruitment, selection, and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices and the principles and practices of Equal Employment Opportunity in accordance with the Affirmative Action Program of the Town. The Town promotes a workplace free of nepotism in accordance with G.L. c. 268A – The Massachusetts Conflicts of Interest Law.

##### **5-3. CONDITIONS OF EMPLOYMENT**

###### **(A) CRIMINAL OFFENDER RECORD INFORMATION (CORI) CHECK**

All persons selected for employment with the Town after receipt of a written employment offer and prior to the starting date of employment shall undergo a background/CORI check. The Town's CORI Policy is incorporated herein as Appendix C.

###### **(B) PRE-EMPLOYMENT MEDICAL EXAMINATION**

All persons selected for employment with the Town shall receive a written conditional offer of employment and after receipt of such written employment offer and prior to the starting date of employment shall undergo a medical examination. The examination shall be at the expense of the Town by a physician appointed by the Board of Selectmen. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit for employment. If deemed unfit, the appointing authority may withdraw the offer of employment, subject to applicable law.

##### **5-4. FAILURE TO REPORT**

An applicant who accepts an offer of employment and fails to report to work within five (5) business days after the date set by the appointing authority shall be deemed to have declined the offer of employment, and the offer of employment shall be deemed to be withdrawn with no further action by the Town.

## **6.0 ORIENTATION AND PROBATIONARY PERIODS**

### **6-1. COVERAGE**

Full-time and part-time employees.

### **6-2. POLICY**

Appointing authorities shall make every effort to inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

### **6-3. ORIENTATION**

The Human Resources Director shall notify the new employee of a date, time, and designated location for starting work. New employees shall certify receipt of a copy of the Personnel Policies and Safety Manual, which signature shall constitute acknowledgment of receipt only and is intended for no other purpose, and of any applicable collective bargaining agreement.

### **6-4. PROBATIONARY PERIOD**

All newly appointed and promoted employees shall be subject to a probationary period to begin immediately upon the employee's starting date or promotion and to continue for a six (6) month period, except for Public Safety Dispatchers, who shall be subject to a one (1) year probationary period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct, performance, and work habits. Nothing herein shall be construed to prevent the termination of an employee prior to the conclusion of the probationary period. Upon expiration of the probationary period, the appointing authority shall notify the Town Administrator and Human Resources Director in writing that:

(A) The employee's performance meets satisfactory standards and the individual will be retained in the position; or

(B) The employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period will be extended an additional three (3) months, after which the employee's performance will be evaluated; or

(C) The employee's conduct, performance, and/or work habits were unsatisfactory, stating the specific reasons, and that removal will occur. The employee may be removed by an appointing authority if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, work habits, or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of the action. The employee may not appeal the removal.

## **7.0 CLASSIFICATION PLAN**

### **7-1. COVERAGE**

Full-time and part-time employees.

### **7-2. POLICY**

The policy of the Town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

### **7-3. CONTENTS**

The classification plan shall consist of the following:

(A) POSITION DESCRIPTIONS. Descriptions for positions which are similar in duties, degree of difficulty, and level of responsibility so that each position in the class: 1) be given the same job title, 2) requires essentially the same training and experience, 3) be filled by substantially the same methods of selection, and 4) is of the same relative value and, therefore, deserves the same range of compensation.

Each position shall have a written description. The description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience, and necessary special qualifications.

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

(B) POSITION TITLES. The title of each class of position shall be the official title of every position allocated to the class and shall be used for administrative purposes such as payroll, budget, financial and personnel forms, and records. Any abbreviation or code symbol approved by the Personnel Board will be included as, and may be used in place of, part of the position title to designate the position classification in any such connection.

### **7-4. ADMINISTRATION**

The Personnel Board, in consultation with the Town Administrator, shall have responsibility for the administration of the classification plan and shall be authorized to:

(A) Complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;

(B) Provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;

(C) Conduct periodic studies to ensure the classification plan remains uniform and current; and

(D) Develop procedures to determine the proper classification of each position and to classify positions.

### **7-5. CLASSIFICATION OF NEW POSITIONS**

Appointing authorities proposing the creation of new positions shall provide the Personnel Board with a description of the duties, skill, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Personnel Board to classify the position appropriately. However, nothing in the classification plan shall infringe upon or supersede an appointing authority's ability to hire an employee into a newly created position provided that the Town Administrator and Personnel Board are first consulted regarding an appropriate starting salary. As part of its regular review, the Personnel Board shall seek to update the Classification and Compensation Plans to include any new positions added during the prior year.

**7-6. RECLASSIFICATION OF POSITIONS AND PERIODIC REVIEWS**

Positions may not be reclassified without a review and approval of the Personnel Board. The Board shall review all positions subject to the classification plan in accordance with proper personnel practices.

**7-7. CURRENT CLASSIFICATION PLAN**

The Town's current classification plan is maintained by the Personnel Board and is contained in Appendix A of the most recent Finance and Warrant Commission Annual Report.

**8.0 COMPENSATION PLAN**

**8-1. COVERAGE**

Full-time and part-time employees.

**8-2. POLICY**

The Personnel Board shall annually establish a compensation plan to accompany the existing classification plan. The compensation plan shall be directly related to the classification plan and shall take into account: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the Town; and ratified labor agreements. All employees shall be paid in accordance with the rates in the compensation plan. In the event of inconsistencies between the compensation and/or classification plan and any collective bargaining agreement, the terms of the collective bargaining agreement shall prevail.

**8-3. STARTING RATES FOR NEW APPOINTMENTS**

Persons appointed to positions shall be paid at the minimum rate. However, on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate, the appointing authority may recommend compensation at, and the Town Administrator may approve, a higher rate. Such a request shall be made to the Town Administrator and Personnel Board in writing, and the Personnel Board may provide the Town Administrator with a recommendation with respect thereto.

**8-4. ADVANCEMENT**

An employee who advances to a higher grade shall be compensated at the minimum level rate of pay not less than the employee's current rate of pay or at a level rate that the appointing authority believes is warranted based upon the employee's qualifications and performance, subject to the approval of the Town Administrator; the Personnel Board may provide the Town Administrator with a recommendation with respect thereto.

**8-5. NOTICE OF EMPLOYMENT**

Appointing authorities shall provide written notice to the Town Administrator and the Human Resources Director of all persons appointed to a position at a starting level, including the starting date, the classification, and the rate of compensation.

**8-6. PART-TIME EMPLOYEES**

A part-time employee shall be compensated at the proper hourly rate for the appropriate classification, or, in the absence of a specified hourly rate, at a rate prorated for the appropriate classification for that part of the full-time normal work week actually worked.

**8-7. TEMPORARY EMPLOYEES**

A temporary employee shall be compensated at the appropriate hourly rate for the services to be performed. A specified tenure shall be stipulated at or before the time of hire.

### **8-8. CURRENT COMPENSATION PLAN**

The Town's current compensation plan is contained in Appendix A of the most recent Finance and Warrant Commission Annual Report.

## **9.0 HOLIDAYS**

### **9-1. COVERAGE**

Full-time and part-time employees.

### **9-2. RECOGNIZED HOLIDAYS**

The following holidays shall be recognized by the Town. When a holiday falls on a Saturday, it will be observed on the Friday immediately preceding the holiday. When a holiday falls on a Sunday, it will be observed on the following Monday. On these days, employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services. Recognized holidays are as follows:

<b>New Year's Day</b>	<b>Independence Day</b>
<b>Martin Luther King Day</b>	<b>Labor Day</b>
<b>Presidents' Day</b>	<b>Columbus Day</b>
<b>Patriots' Day</b>	<b>Veterans' Day</b>
<b>Memorial Day</b>	<b>Thanksgiving Day</b>
<b>Juneteenth Independence Day</b>	<b>Christmas Day</b>

### **9-3. ESSENTIAL HOLIDAY PAY**

Police and Fire Department personnel shall receive one extra day's pay for the week in which a paid holiday occurs, provided, however, they have fulfilled all duty obligations which fall on that holiday.

### **9-4. TERMS OF HOLIDAY PAY**

Holiday pay shall be granted as follows:

(A) Employees paid on an hourly basis shall receive one day's pay at the regular rate of the employee based on the number of hours regularly scheduled on the day on which the designated holiday occurs.

(B) Holiday pay shall be granted provided the employee was in full pay status on the regularly scheduled working day both preceding and following the holiday in accordance with other provisions of these policies or was officially and appropriately absent.

(C) Employees paid on a weekly, semimonthly, or annual basis shall be granted each holiday without loss of pay.

## **10.0 VACATION LEAVE**

### **10-1. COVERAGE**

Full-time and part-time employees.

### **10-2. FULL-TIME EMPLOYEES**

(A) Full-time employees shall accrue two (2) weeks (10 days) of vacation with pay per year.

(B) Employees who have completed five (5) years of continuous service following the date of original appointment shall accrue three (3) weeks (15 days) vacation with pay per year.

(C) Employees who have completed ten (10) years of continuous service following the date of original appointment shall accrue four (4) weeks (20 days) vacation with pay per year.

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(D) Employees who have completed twenty (20) years of continuous service following the date of original appointment shall accrue five (5) weeks (25 days) vacation with pay per year.

**10-3 LIBRARY DIRECTOR AND PROFESSIONAL LIBRARY EMPLOYEES**

(A) THE Library Director and professional librarians (including Branch Librarian and Circulation Supervisor) shall accrue two (2) weeks (10 days) of vacation with pay in the first year of service.

(B) The Library Director and professional librarians shall accrue four (4) weeks (20 days) of vacation with pay after one (1) year of service at the discretion of the Library Trustees, with notification to the Personnel Board.

(C) The Library Director and professional librarians shall accrue five (5) weeks (25 days) of vacation with pay after 20 years of service at the discretion of the Library Trustees, with notification to the Personnel Board.

**10-4. PART-TIME EMPLOYEES**

Part-time employees of a benefit status shall be entitled to vacation leave with pay on the same basis as full-time employees, provided that such leave shall be prorated according to the number of hours of work per full-time week in which such employees are required to work.

**10-5. EXCEPTIONS TO ACCRUAL RATES**

In the hiring process, exceptions which accelerate the entitlement to vacation leave may be granted with the advanced approval of the Town Administrator after consultation with the Personnel Board upon recommendation of the appointing authority.

**10-6. ACCRUAL AND USE OF VACATION LEAVE**

(A) Employees shall be credited monthly with vacation accrual consistent with the vacation schedule spelled out in Section 10.2. Accrual rates are as follows:

VACATION ENTITLEMENT	MONTHLY VACATION ACCRUAL RATE
Two Weeks (10 Days)	.8333 Days Accrued Monthly
Three Weeks (15 Days)	1.2502 Days Accrued Monthly
Four Weeks (20 Days)	1.6666 Days Accrued Monthly
Five Weeks (25 Days)	2.083 Days Accrued Monthly

(B) Employees are eligible to carry vacation into a subsequent fiscal year provided that said carryover does not result in a starting fiscal year balance that is more than 1.25x of their annual vacation entitlement.

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VACATION ENTITLEMENT	MAXIMUM ALLOWED VACATION ACCRUAL AT START OF EACH FISCAL YEAR
Two Weeks (10 Days)	12.5 Days
Three Weeks (15 Days)	18.75 Days
Four Weeks (20 Days)	25 Days
Five Weeks (25 Days)	31.25 Days

One's earned vacation balance during a fiscal year may exceed the above figures. However, at the start of a fiscal year, accrued balances in excess of these amounts are automatically forfeited. Rollover of vacation within these bounds is automatic and does not require approval. The Town Administrator shall be authorized to approve exceptions to this policy under appropriate circumstances.

(C) Vacation will not continue to accrue while an employee is on leave under MGL c. 152 (Workers' Compensation Law).

**10-7. SCHEDULING**

Employees shall be eligible to schedule vacation anytime the employee has a positive vacation balance of ½ day or more. Vacation to be taken shall not exceed the employee's vacation balance; vacation time taken shall be deducted from the employee's vacation balance. No more than three (3) weeks of vacation may be taken consecutively. Pre-approval from the appropriate Department Head is required for all vacation. Vacation timecards shall be submitted to record vacation. Employees have responsibility to manage their vacation balance by regularly taking vacation, recognizing that departments must be appropriately staffed and the limitations imposed under vacation accrual under Section 10-6(C) of this policy.

**10-8. TERMINATION**

Whenever employment is ended through resignation, dismissal, or by retirement, or entrance into the military, the employee shall be paid an amount equal to the total Vacation Balance previously earned.

**10-9. DEATH**

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the total Vacation Balance previously earned up to the time of death.

**10-10. PREROGATIVES OF THE TOWN ADMINISTRATOR/PERSONNEL BOARD**

At the discretion of the Town Administrator, sick leave used in excess of that authorized may be charged to vacation leave.

At the discretion of Town Administrator after consultation with the Personnel Board, reasonable adjustments to vacation balances may be made to compassionately handle employee hardship situations.

## **11.0 SICK LEAVE**

### **11-1. COVERAGE**

Full-time and part-time employees.

### **11-2. FULL-TIME EMPLOYEES**

Full-time employees shall be entitled to one and one quarter (1.25) days sick leave with pay for each month worked.

In the hiring process, exceptions which accelerate the entitlement to sick leave may be granted with the advance approval of the Town Administrator after consultation with the Personnel Board upon recommendation of the appointing authority.

### **11-3. PART-TIME EMPLOYEES**

Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be prorated according to the number of hours of work per full-time week such employees work.

### **11-4. USE OF SICK LEAVE**

An employee shall be entitled to sick leave only when the employee is incapable of performing duties due to personal sickness, injury, or quarantine by public health authorities. Sick leave shall not be granted for injury sustained in other employment or injury recoverable by insurance. Nothing in this section shall interfere with any employee's rights under MGL c. 152 (Workers' Compensation Law).

Employees may use up to five (5) days of their accumulated sick leave for family illnesses annually. Family, for these purposes, shall mean the employee's spouse, children and parents.

### **11-5. ACCRUAL OF SICK LEAVE**

An employee shall be credited monthly with the unused portion of leave granted under this section up to a maximum of 150 days. Sick leave will not continue to accrue while an employee is on leave under MGL c. 152 (Workers' Compensation Law).

### **11-6. EXTENSION OF SICK LEAVE**

At the discretion of the Town Administrator, extended sick leave may be granted to an employee after all of an employee's sick leave and vacation leave has been used.

### **11-7. NOTIFICATION**

Sick leave shall commence on the date that notification of the employee's sickness, injury, or quarantining is given to the department head by the employee or the employee's family or physician.

### **11-8. CERTIFICATION OF ILLNESS**

After three consecutive days' absence or after a series of repeated absences during the course of employment, a department head may request a physician's statement which certifies the employee's inability to perform normal work duties; or in the event of a family illness and the use of family sick leave, certifies the family member's illness. The Town also reserves the right to have an employee examined by a Town designated physician if it is deemed necessary by the Town Administrator for any of the above listed reasons or to ensure that an employee can safely perform the essential functions of his or her position with or without a reasonable accommodation.



## **12.0 PERSONAL LEAVE**

### **12-1. COVERAGE**

Full-time and part-time benefit employees.

### **12-2. POLICY**

Full time employees who have completed the probationary period shall be entitled to two (2) personal days with pay each fiscal year.

### **12-3. USE OF PERSONAL LEAVE**

(A) Use of personal leave shall be approved in advance by the Town Administrator, who may delegate such authority to the employee's department head.

(B) Personal leave may be taken in no less than half-day increments.

(C) Personal days shall be used to conduct personal business, and may not be used in lieu of or in connection with holiday or vacation time.

(D) Personal leave shall not be carried over to the following fiscal year.

## **13.0 BEREAVEMENT LEAVE**

### **13-1. COVERAGE**

Full-time and part-time employees.

### **13-2. POLICY**

Emergency leave of up to three (3) days may be granted by the Town Administrator for a death in the employee's immediate family. Immediate family shall include: wife, husband, mother, father, child, brother, sister, grandchildren, grandparents, step-mother, step-father, mother-in-law, or father-in-law. Compensation shall be limited only to the time lost from the employee's normal work schedule.

## **14.0 MILITARY LEAVE**

### **14-1. COVERAGE**

Full-time and part-time employees.

### **14-2. POLICY**

Prior to taking a military leave, employees shall provide at least sixty (60) days advance written or, if unable to provide written, verbal notice that they will be absent from work due to military service, unless notice is precluded by military necessity, is impossible, or is unreasonable. Employees who wish to be reemployed shall submit an application for reemployment within a reasonable time period, in accordance with applicable law.

Employees called for temporary summer or like period of training in the military forces of the Nation or the Commonwealth will be granted leave in accordance with Federal and State Laws. At least sixty (60) days prior to departure, employees shall provide notice of the date of departure and date of return unless notice is precluded by military necessity, is impossible, or is unreasonable, and shall provide confirmation of the satisfactory completion of such training upon return to work. Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation, sick, or other employment benefits.

Other military benefit and compensation shall be provided in accordance with applicable local option statutes adopted by the Town (e.g., MGL c. 33 s.59).

## 15.0 JURY LEAVE

### 15-1. COVERAGE

Full-time and part-time employees.

### 15-2. POLICY

Employees called for jury duty shall be paid for the amount equal to the difference between the compensation paid for the normal working period and the amount paid by the court excluding allowance for travel. The amount due the employee shall be certified by the Town Accountant upon presentation of proper evidence for monies received for jury duty.

## 16.0 FAMILY AND MEDICAL LEAVE

### 16-1. COVERAGE

All employees who have worked for the Town for at least twelve (12) months (whether or not consecutive) and provided at least 1250 hours of service during the twelve (12) months before the leave is requested (eligible part-time employees' leave will be prorated).

### 16-2. FAMILY AND MEDICAL LEAVE POLICY

Family and Medical Leave Act of 1993, codified at 29 USC Chapter 28 ("FMLA") leave shall be granted to eligible employees, in accordance with law, as set forth in this section.

#### ➤ Qualifying Reasons for Family and Medical Leave

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition or any other individual as provided for by the FMLA;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;

For purposes of this section, the term "serious health condition" means an accident, disease or physical or mental condition, including illness, injury, or impairment, that involves:

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider.

#### ➤ Military Family Leave: Section 585(a) of the National Defense Authorization Act of 2010 amended the FMLA to provide two additional leave entitlements, which leave shall be provided to eligible employees, in accordance with law, for:

- Military Caregiver Leave (also known as Covered Servicemember Leave): An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to twenty-six (26) weeks of job-protected FMLA leave to provide care to the servicemember.
- Qualifying Exigency Leave: Eligible employees with a covered family member in the National Guard or Reserves on active duty or called to active duty status in support of a contingency operation may use FMLA leave for "any qualifying exigency" related to such service. A "qualifying exigency" includes broad categories such as: (1) Short-notice

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deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

➤ **Length of Leave – 12 weeks except where noted above under Caregiver Leave**

Eligible employees may use a maximum of twelve weeks of FMLA leave during a rolling 12-month period. A “rolling 12-month period” is defined by the Town to be the 12-month period measured backward from the first day of any Family Medical Leave used by an employee, except as stated above with respect to Military Caregiver Leave.

FMLA leave need not be taken at one time. FMLA leave may also be taken on an intermittent basis or used to reduce the employee’s work schedule during the period of the serious illness, if there is a medical need for such leave and that need can best be accommodated through an intermittent or reduced leave schedule. If an employee needs intermittent Family Medical Leave or a reduced schedule, the employee must attempt to schedule the Leave so as not to disrupt the operations of the Town. The Town may assign the employee to an alternative position with equivalent pay and benefits that better accommodates the intermittent leave or reduced schedule.

➤ **Payment for FMLA Leave**

FMLA Leave will be unpaid unless the employee or the employer chooses to use accrued paid vacation time or sick leave in a manner that is consistent with the provisions of the FMLA, but nothing in this policy shall require an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave. Accrued paid leave may not be used to extend FMLA Leave. FMLA Leave will run concurrently with absences from work covered by Workers’ Compensation.

➤ **Notices**

An employee must, when it is foreseeable, give reasonable notice to the Town of the need to take FMLA Leave. For purposes of this section, “reasonable notice” means notice given as soon as is practicable. If the necessity for FMLA Leave is based on planned medical treatment, the employee must provide at least thirty (30) days’ notice and make reasonable efforts to schedule the treatment so as to not unduly disrupt the organization’s operations, subject to the approval of the health care provider.

The Town requires any FMLA Leave request based on a serious illness of the employee or family member, or in connection with an intermittent or reduced schedule, to be supported by the certification of a health care provider on the form provided by the Town for that purpose. Copies of the Certification of Health Care Provider form are available from the Human Resources Department. The employee must obtain a re-certification of the need for leave for the serious illness of the employee or covered family member every thirty (30) days or at the end of the predicted minimum period of absence (whichever is later) in order to establish the continuing need for FMLA Leave.

If the employee is taking Family Medical Leave because of the employee’s serious illness, the employee must present certification from the employee’s health care provider indicating that the employee is able to return to work.

➤ **Updates While On Leave**

Any employee on FMLA Leave must report to the Town periodically, but at least once per month, regarding the employee's status and intent to return to work. Additionally, an employee on FMLA leave must notify the Town forthwith concerning a determination of ability to return to work so that the Town may make the appropriate arrangements to reinstate the employee.

➤ **Return from Leave**

Upon returning from leave, the employee will be returned to the employee's previous position, or a comparable position with equal pay, benefits, seniority, and other terms and conditions of employment, subject to the following exceptions:

If, during the period of FMLA Leave, the Town would have ended the employee's employment or otherwise laid off the employee for reasons unrelated to the leave, the Town will not reinstate the employee to his/her previous position. Additionally, if the employee performed unique services and hiring a permanent replacement during the leave was necessary to prevent substantial and grievous economic injury to the Town, the Town will notify the employee of the Town's intent not to reinstate the employee after the expiration of FMLA Leave.

If the employee chooses not to return to work at the expiration of the FMLA Leave for reasons other than the continuation of a serious illness or reasons beyond the employee's control, the employee must reimburse the Town for the employer portion of premiums it paid in maintaining group health and dental benefits during the FMLA Leave.

Please contact the Human Resources Director if you have any questions about this policy. The purpose of this Policy is to provide guidance regarding your rights under the FMLA. To the extent there is any inconsistency between the FMLA and this Policy, the terms of the FMLA will govern and control.

➤ **Parental Leave:**

Employees who have completed an initial probationary period of three (3) months shall be eligible for an eight (8) week leave for the purpose of giving birth or adopting a child in accordance with Massachusetts law (MGL c. 149, § 105D). Under certain situations as allowed by the Massachusetts Law and the FMLA, said leave shall run concurrently with an employee's leave under the FMLA.

## **17.0 SMALL NECESSITIES LEAVE**

### **17-1. COVERAGE**

Employees who have worked for the Town for at least twelve (12) months and provided at least 1250 hours of service during the twelve months before the leave is requested.

### **17-2. DEFINITIONS**

(A) "Twelve (12) month period: shall mean a "rolling period" measured backward from the date an employee uses any small necessities leave.

(B) "Son or daughter" shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The son or daughter must either be under eighteen (18) years of age, or older and incapable of self-care because of mental or physical disability.

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(C) "Elderly relative" shall mean an individual of at least sixty (60) years of age who is related by blood or marriage to the employee.

(D) "School" shall mean a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a children's day care facility licensed under MGL Ch. 15D .

**17-3. LEAVE ENTITLEMENT**

The Town will provide all eligible employees up to twenty-four (24) hours unpaid leave in the twelve-month period for any of the following purposes:

(A) To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school; or

(B) To accompany the son or daughter of the employee to routine medical or dental appointments, such as checkups or vaccinations; or

(C) To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Leave may be taken on an intermittent basis, but not in increments of less than one (1) hour.

**17-4. NOTICE**

If the necessity for leave is foreseeable, the employee shall provide his/her department head with not less than seven (7) calendar days' written notice prior to the date the leave is to begin, indicating the date, the number of hours of leave, and the purpose for which the leave is requested. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practical under the circumstances of the particular case. Where leave is not foreseeable and the employee's notice is verbal, the employee shall complete and submit a written notice as soon as possible. The notice requirements set forth herein are in addition to that required under Section 1.5.

**17-5. SUBSTITUTION OF PAID LEAVE**

The employee may elect, or the Town may require the employee to substitute, any of the employee's accrued paid vacation, sick or personal leave for any of the small necessities leave, but nothing in this policy shall require an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave.

**18.0 LEAVES OF ABSENCE (UNPAID)**

**18-1. COVERAGE**

Full-time and part-time employees.

**18-2. POLICY**

Leaves of Absence other than those covered under section 15.0 [Jury Leave] shall be granted as follows:

(A) The Town Administrator, upon recommendation of the Department Head, may grant leaves of absence without compensation. Leaves of absence of over three (3) months' duration shall be considered a break in employment and on return to work the employee shall have the status of a new employee, unless an extension of leave beyond the three (3) month period has been authorized in advance by the Town Administrator.

(B) Employees on leave of absence may continue to remain a member of a group health plan or group insurance plan by assuming full payment of the total premiums.

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(C) Employees on leave of absence shall not be entitled to benefits granted under this policy, such as, holiday, vacation, sick, or bereavement.

(D) Leaves of absence of over three (3) months will result in loss of longevity rights for the entire leave.

**19.0 LONGEVITY PAY**

**19-1. COVERAGE**

Full-time and part-time benefit-eligible employees.

**19-2. POLICY**

Longevity pay shall be as follows:

(A) After five (5) full years of continuous employment to the Town upon becoming benefit eligible, each employee shall be paid an additional annual longevity amount equal to thirty dollars (\$30.00) per annum for each completed year of service. Continuous non-benefit service shall be counted toward total years of service once the employee reaches benefit-eligible status.

(B) Longevity pay shall be paid in one lump sum to each employee entitled thereto during the month of December. Should separation occur prior to December, longevity pay shall be prorated and distributed at the time of separation.

**20.0 STANDARDS OF CONDUCT**

**20-1. COVERAGE**

All employees.

**20-2. POLICY**

Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon Town service. Town employees shall avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business. Employees are expected to keep in mind that they are public employees and are to conduct themselves accordingly in a manner which in no way discredits the Town, public officials, or fellow employees.

**20-3. AMERICANS WITH DISABILITIES ACT**

It is the policy of the Town to comply with requirements of the regulations contained in the U.S. Americans with Disabilities Act of 1990.

The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions, or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves, or benefits.

The Town has and will continue to establish qualifications for each position, including the education, skills, and work experience required, and the physical, mental, and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee, unless such accommodation will impose undue hardship on the Town. The Town will provide reasonable accommodation:

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- a. To ensure equal employment opportunity in the application process;
- b. To enable a qualified individual with a disability to perform the essential functions of the job;
- c. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position. The duty to provide reasonable accommodation is on-going, and may arise any time an employee's job changes. It is the obligation of the individual with the disability to request the accommodation. If the cost of providing the accommodation is determined to meet the criteria of undue hardship on the Town, the affected individual will be offered the opportunity to provide the accommodation or partial accommodation him or herself.

Any complaint of discriminatory treatment on the basis of a disability should be referred to the ADA Compliance Officer.

**20-4. CONFLICT OF INTEREST/FINANCIAL DISCLOSURE**

The purpose of this policy is to ensure that Town employees comply with the requirements of Chapter 268A of the Massachusetts General Laws, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below.

Town employees may not:

- A. Ask for or accept anything (regardless of its value) if it is offered in exchange for the employee's agreement to perform or not perform an official act.
  
- B. Ask for or accept anything worth \$50 or more from anyone with whom the employee has official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
  
- C. Hire, promote, supervise, or otherwise participate in the employment of the employee or his/her spouse's immediate family.
  
- D. Take any type of official action which will affect the financial interests of the employee or his/her spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
  
- E. Take any official action affecting the employee's financial interest, or the financial interest of the employee's business partner, private employer, or any organization for which the employee serves as an officer, director, or trustee. For instance an employee may not: take any official action regarding an "after hours" employer, or its geographic competitors; participate in licensing, inspection, zoning, or other issues that affect a company owned by the employee, or its competitors; if the employee serves on the Board of a non-profit organization qualifying as a "business organization" for purposes of the provisions of G.L. c.268A, take any official action which would impact that organization or its competitors.

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- F. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.
- G. Have a financial interest in a contract with the Town except under special circumstances. For instance: a Town employee's company may not enter into a contract with the Town unless specific criteria are met, the contract is awarded after newspaper publication or a bid process, if applicable, and the employee publicly discloses the nature and size of the financial interest.
- H. Represent anyone but the Town in any matter in which the Town has an interest, subject to the exemptions provided for by law. For instance, a Town employee may not contact or otherwise interact with the Town or regional entities on behalf of a company, an association, a friend, or even a charitable organization.
- I. Ever disclose confidential information, data, or material which the employee gained or learned as a public employee, except as allowed by law.
- J. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe the employee's official actions, or failure to act, are tainted with bias or favoritism, unless the employee make a proper disclosure under the law, including all relevant facts.
- K. Use the employee's official position to obtain unwarranted privileges, or any type of special treatment, worth \$50.00 or more for the employee or anyone else. For instance, an employee may not approach subordinates, vendors whose contracts the employee oversees, or people who are subject to the employee's official authority to propose private business dealings.
- L. Use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- M. After leaving public service, take a job involving public contractors or any other particular matter in which the employee participated as a public employee.

**20-5. INFORMATION TECHNOLOGY RESOURCES POLICY**

All electronic communications systems and all communications and information transmitted by, received from, or stored in these systems are the property of the Town of Westwood. There should be no expectation of privacy with respect to such communications. These systems and the access to the Internet shall not be used for inappropriate purposes. Such uses include, but are not limited to, sending email that is offensive, harassing or disruptive, and browsing or downloading material from inappropriate websites. Violation of this prohibition will result in disciplinary action up to and including termination of employment. Employees with access to the Internet will be required to execute and comply with a Town of Westwood Information Technology Resources Acceptable Use Policy (attached hereto as Appendix E), as such policy may be amended from time to time.

**20-6. SMOKING IN THE WORKPLACE POLICY**

Consistent with Massachusetts law, smoking is prohibited in public buildings in the Town. Violation of this prohibition may result in a civil fine to the smoker. The Town of Westwood, its Board of Health, and others have authority to enforce this prohibition.



**20-7. 'WHISTLEBLOWER' POLICY**

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149, Section 185 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the Town:

- (A) To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
- (B) To protect Town employees who have reported improper government actions in accordance with this policy.

The Town encourages the reporting of improper governmental action taken by any Town officers or employees, and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, the Town Administrator/designee, or the appropriate governmental agency responsible for investigating such improper action. If requested by the supervisor or the Town Administrator/designee, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity who is not the person's supervisor, the Town Administrator/designee, or other governmental agency. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

- (A) Is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the employer and the situation is emergency in nature;
- (B) Reasonably fears physical harm as a result of the disclosure provided; or
- (C) Makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in the Town personnel code.

The supervisor or the Town Administrator/designee, as the case may be, shall take prompt action to assist the town in properly investigating the report of improper governmental action. Town officers, administrators, supervisors, and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

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Town officials, administrators, supervisors, and employees are prohibited from taking retaliatory action against the Town employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Town Administrator/designee. Town officials, administrators, and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or the Town Administrator/designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

The Town Administrator/designee is responsible for implementing the Town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes insuring that this policy is permanently posted where all employees will have reasonable access to it and that this policy is made available to any employee upon request. The Town will, to the extent it considers practical, provide training and education on the 'Whistleblower' Policy. The Town Administrator and supervisors are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.

**21.0 DRUG FREE WORKPLACE POLICY**

**21-1. COVERAGE**

All employees.

**21-2. POLICY**

The Town of Westwood recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and it has a detrimental effect on the professional and personal lives of its employees and the community. The Town of Westwood has established a Drug Free Workplace Policy to comply with the Drug Free Workplace Act.

The Town's complete Drug Free Workplace Policy is attached hereto as Appendix D and is incorporated herein by reference.

**22.0 DISCIPLINARY POLICY**

**22-1. COVERAGE**

All employees.

**22-2. POLICY**

All employees are responsible for observing regulations necessary for proper operation of departments in the Town. Disciplinary actions shall be discharged with the utmost concern for individuals involved.

**22-3. REASONS FOR DISCIPLINARY ACTION**

Disciplinary action may be imposed upon an employee for misconduct or failure to fulfill responsibilities as an employee. Sufficient cause for disciplinary action shall include, but not be limited to, the following:

- Incompetence or inefficiency in performing assigned duties;
- Inability to perform one or more critical elements of the position;

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- Refusal to perform a reasonable amount of work, or violation of any reasonable official order, or failure to carry out reasonable directions made by a proper supervisor;
- Habitual tardiness;
- Absence without leave;
- Abuse of sick leave;
- Intoxication while on duty;
- Possession or use of a controlled substance while on duty;
- Possession of illegal narcotics or substance abuse while on duty;
- Misuse or unauthorized use of Town property;
- Fraud in securing appointment;
- Disclosure of Town confidential information;
- Conviction of a felony;
- Violation of safety rules, practices, and policies;
- Engaging in sexual harassment; and
- Any other situation or instance of such seriousness that disciplinary action is warranted.

**22-4. DISCIPLINARY ACTIONS**

Nothing herein shall be construed to limit the Town's right to impose discipline of any degree, including discharge, in a particular case without regard to the existence or non- existence of prior disciplinary action.

The Town Administrator or other Appointing Authority, who may delegate such authority to appropriate department heads and supervisors, shall be responsible for enforcing the provisions of this policy.

**23.0 TRAINING AND EDUCATION**

**23-1. COVERAGE**

All employees.

**23-2. POLICY**

From time to time, the Town may provide or promote programs of training for employees for the purpose of improving employee performance and the quality of services provided by the Town. The Town Administrator shall, when and as the Administrator deems appropriate, encourage departments to develop training and education strategies to meet the specific needs of the Town.

**24.0 SAFETY**

**24-1. COVERAGE**

All employees.

**24-2. POLICY**

The Town shall provide and maintain safe working conditions. The Town maintains a Safety Manual to provide job safety and provide for the welfare of its employees.

**24-3. PROCEDURES**

As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

**24-4. RESPONSIBILITIES OF DEPARTMENT HEADS AND EMPLOYEES**

(A) Department heads and supervisors shall, in accordance with law: assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or conduct; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

(B) Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; and report all accidents promptly to the appropriate supervisor.

**24-5. DISCIPLINARY ACTION**

Employees violating safety rules, practices, and policies shall be subject to disciplinary action.

**25.0 PERSONNEL RECORDS**

**25-1. COVERAGE**

All employees.

**25-2. CENTRALIZED RECORD KEEPING**

The Town Administrator, by and through the Human Resources Director, shall be responsible for establishing and maintaining personnel records as may be required by law, and as necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested under this section.

**25-3. CONTENTS OF RECORDS**

The Town Administrator, by and through the Human Resources Director, shall cause to be maintained an individual personnel file for each employee which may include, but not be limited to, the employee's employment application; a copy of all background investigation reports; documents reflecting the employee's appointment, promotion, demotion, reassignment, transfer, separation or layoff; results of tests; history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title; commendations; records of disciplinary action; training records; performance evaluations; and other records that may be pertinent to the employee's employment record.

**25-4. ACCESS TO RECORDS**

Any employee shall, upon written request to the Human Resources Director, have access to review the employee's personnel records. The employee's review of his/her personnel records shall take place during normal business hours and shall be in the presence of the Human Resources Director or the Director's designee. An employee may, upon written request to the Human Resources Director, obtain copies of his/her personnel records.

**25-5. RELEASE OF INFORMATION**

Any private information contained in employee personnel records shall be maintained in a confidential manner and be used consistent with the operational needs of the Town. Such information shall not be released to persons outside Town government unless written authorization is received from the subject employee(s) or as required by law.

- WESTWOOD PERSONNEL POLICIES -

APPENDIX A

ARTICLE 12.  
Personnel Bylaw

Section 1. Purpose and Authorization. The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C.

Section 2. Application. All Town departments and positions shall be subject to the provisions of this bylaw except elected officers, employees with personal contracts, and employees of the school department. To the extent that any Town employee is subject to a collective bargaining agreement, in the event of a conflict and/or an inconsistency between said agreement and this Bylaw, then said agreement shall govern the terms and conditions of that employee's work.

Section 3. Town Administrator. Pursuant to Section 6-2-1(k) of the Town Charter, the Town Administrator is responsible for administering personnel policies, practices, rules and regulations, compensation and classification plan and related matters, in consultation with the personnel board, for all municipal employees and administering all collective bargaining agreements entered into by the Town.

Additionally, pursuant to Section 6-2-1(a)(i) of the Town Charter, the Town Administrator is authorized to appoint, discipline, suspend or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by the charter or general or special laws, consistent with the Town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the Town Administrator shall keep the chairman of the Board of Selectmen, or the chairman's designee, informed as to status of all personnel decisions made or to be made hereunder and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department.

Section 4. Human Resources Functions. The Town Administrator may organize human resources and personnel functions in a Human Resources Department. Subject to appropriation, the Town Administrator may, consistent with the provisions of Section 6-2-1(a) (i) and (ii) of the Charter, appoint a Human Resources Director to act by and for the Administrator to impartially and equitably oversee all personnel activities and responsibilities of the Town, other than employees of the School Department; provided, however, that the Town Administrator shall retain responsibility for all such delegated acts.

Section 5. Personnel Board.

(a) Composition, Mode of Selection, Term of Office, Qualifications. The Moderator shall appoint a Personnel Board consisting of five persons for three-year overlapping terms as provided in section 7-4-1 of the Town Charter. Each term of office shall commence thirty days following the adjournment of the business session of the annual town meeting, and every member shall serve until a successor is qualified. Any registered voter of the Town may be appointed to the board, provided, however, that no elected official of the Town or a Town employee shall be appointed to the board. The board shall annually elect a Chairperson and a Vice Chairperson from its membership at the first meeting following the appointment of new members, and may reorganize as necessary or appropriate. Any three members of

- WESTWOOD PERSONNEL POLICIES -

the board shall constitute a quorum for the transaction of business. The affirmative vote of three members shall be necessary for any official act of the board to be effective.

(b) Powers and Duties. The board shall be responsible for formulating recommendations on and reviewing the classification and compensation plans, which plans shall be subject to such approval as required by law. The Personnel Board shall also evaluate classification of positions generally, including requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices. The Personnel Board shall also, in consultation with the Town Administrator, monitor the implementation and practices of the Town's personnel policies. Finally, the Personnel Board shall provide advice and assistance, to the extent requested, to the Town Administrator and Human Resources Director on any aspect of personnel policies and practices.

Section 6. Personnel System. A personnel system shall be established by promulgation of policies pursuant to section 7. The personnel system shall make use of current concepts of personnel management and may include but not be limited to the following elements:

(a) Method of Administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.

(b) Classification Plan. A position classification plan for all employees subject to this bylaw shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. Nothing in the classification plan shall infringe upon or supersede an appointing authority's ability to hire an employee into a newly created position, provided that the Town Administrator and Personnel Board are first consulted regarding an appropriate starting salary. As part of its regular review, the Personnel Board shall seek to update the Classification and Compensation Plans to include any new positions that were added during the prior year.

(c) A Compensation Plan. A compensation plan for all positions subject to this bylaw shall consist of:

- (1) a schedule of pay grades including minimum, maximum and intermediate rates for each grade; and
- (2) an official list indicating the assignment of each position to specific pay grades.

(d) A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.

(e) Personnel Records. A centralized recordkeeping system which maintains essential personnel records.

(f) Personnel Policies. A series of personnel policies which establishes the rights, the benefits to which certain personnel employed by the Town are entitled, and the obligations of said employees to the Town.

(g) Other Elements. Other elements of a personnel system as deemed appropriate or required by law.

Section 7. Adoption and Amendment of Personnel Policies. The Board of Selectmen shall promulgate personnel policies defining the rights, benefits and obligations of certain employees subject to this bylaw. Policies shall be adopted or amended as follows:

- WESTWOOD PERSONNEL POLICIES -

(a) Preparation of Policies. Any member of the Board of Selectmen, Personnel Board, the Town Administrator, or any three employees may suggest policies for consideration. The Town Administrator shall refer such policies to the Personnel Board, which Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least five (5) days prior to the public hearing in prominent work locations, copies of all proposals shall be provided to representatives of each employee collective bargaining unit, and a copy shall be submitted to the Board of Selectmen.

(b) Public Hearing. The entity responsible for suggestion of the proposed policy or amendment shall present the purpose of the proposal and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. The Town Administrator and the Personnel Board shall, within twenty (20) days after such public hearing, consider the proposed policies and recommend that the Board of Selectmen adopt the policies (with or without modifications), reject the policies, or indicate that further study is necessary.

(c) Recommended Policies. The Town Administrator, or the Personnel Board at the Administrator's request, shall transmit recommendations in writing to the Board of Selectmen within twenty (20) days of any recommendation on proposed personnel policies or amendments. The recommendations shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy. The Board of Selectmen shall consider recommendations of the Town Administrator and Personnel Board and may adopt, reject or return recommendations for further action. The Board of Selectmen need only act on proposed policies recommended for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified.

(d) Computation of Time. In computing time (days) under this bylaw only days when the Town Hall is open for business shall be counted.

Section 8. Severability. The provisions of this bylaw and any regulations adopted pursuant to this bylaw are severable. If any bylaw provision or regulation is held invalid, the remaining provisions of the bylaw or regulations shall not be affected thereby.

- WESTWOOD PERSONNEL POLICIES -

APPENDIX B

Town of Westwood Anti-Harassment Policy

Harassment Prohibited: It is the goal of the Town of Westwood (the "Town") to promote a workplace that is free of unlawful harassment based on gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, veteran's status, and disability ("Harassment"). The Town prohibits such Harassment, whether at the office, in outside work assignments or at Town-sponsored social or non-social functions, events or programs. Should such Harassment occur, the Town will take appropriate corrective action to prevent its continuation or recurrence. In addition, the Town will endeavor to prevent the Harassment of its employees by persons who are not Town of Westwood employees, but who are on the Town's premises or who have a business or other relationship with the Town. Harassment is unlawful, and any individual found to have engaged in Harassment will be subject to disciplinary action, up to and including termination of employment.

Retaliation Prohibited: The Town will not permit retaliation of any kind against anyone who in good faith complains about Harassment or cooperates in an investigation of a Harassment complaint. Such retaliation is unlawful, and any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

Definitions

"Harassment" includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of his or her gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, membership in the military, veteran's status or disability, including material or comments intended as humor. The use of Town facilities to disseminate, duplicate or display such materials is prohibited.

"Sexual harassment" includes making unwelcome sexual advances, requesting sexual favors or engaging in verbal or physical conduct of a sexual nature which is made a term or condition of employment, or which is used as the basis for employment decisions. "Sexual harassment" also includes any type of sexually-oriented conduct, including conduct intended to be friendly or humorous, that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a work environment that is intimidating, hostile, offensive or coercive to a reasonable person.

The following is a partial list of conduct which could be considered sexual harassment:

- Threats or insinuations, either explicitly or implicitly, that an individual's refusal to submit to sexual advances or sexual conduct will adversely affect his or her employment, evaluation, wages, advancement, assigned duties, benefits or any other aspect of employment or career advancement;
- Unwelcome sexual advances, jokes, language, epithets, or propositions;
- Written or oral abuse of a sexual nature or use of sexually degrading or sexually vulgar words to describe an individual;
- Display of sexually suggestive objects, pictures, posters or cartoons;
- Unwelcome comments about an individual's body, sexual prowess or sexual deficiencies;



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- Asking questions about sexual conduct;
- Favoring any applicant or employee because that person has performed or shown a willingness to perform sexual favors for a supervisor;
- Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting or obscene comments or gestures; and
- Assault or coerced sexual acts.

### Responsibilities

Responsibility of Supervisors: Each Town of Westwood employee with individuals under his or her supervision has a duty to maintain a workplace free of Harassment, to assure that each individual under his or her supervision is aware of the Town's policy on Harassment and the policy's Harassment Resolution Procedure, and to assure such individuals that they need not endure insulting, degrading or exploitative treatment based on gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, veteran's status, or disability. Any supervisor who learns of or suspects violations of this policy must promptly bring the matter to the attention of the Town Administrator or the Human Resources Director.

Responsibility of Individual Employees: The line between acceptable social conduct and Harassment is not always clear. For that reason, the Town encourages individuals who believe they are being or may have been harassed to communicate clearly to the offending party that the conduct is offensive, intimidating or embarrassing, to explain how the offensive behavior affects the employee's work and to ask that the conduct stop. If the individual is uncomfortable with making such a direct approach to the offending party or has done so, but the perceived harassment has not stopped, then the individual should use the procedure described below to obtain a constructive resolution of the problem.

### Harassment Resolution Procedure

An employee who believes he or she may have been harassed in a manner prohibited by this policy is urged to utilize this procedure as soon as possible after a perceived act of Harassment occurs. Prompt reporting allows the Town to investigate while the facts are still fresh and to take prompt corrective action, when appropriate. The Town will handle the matter with as much confidentiality as possible under the circumstances, recognizing that there are many circumstances where complete confidentiality is not possible. Upon receipt of a complaint, the Town will promptly undertake an investigation and, when appropriate, corrective action. The following procedures will generally be followed in the case of a complaint:

Making a Complaint: An individual who believes that he or she has been the subject of Harassment should bring his or her complaint to the attention of his or her direct supervisor. In the event the employee has contacted his or her supervisor and believes the response has not been adequate or any perceived harassment has continued, the employee should immediately contact the Town Administrator or the Human Resources Director. Additionally, in situations where the direct supervisor is involved or related in anyway to the allegations of harassment, the employee should immediately contact the Town Administrator or the Human Resources Director, directly.

- WESTWOOD PERSONNEL POLICIES -

Duties of Supervisors and Managers: A supervisor or manager who receives a complaint must immediately notify the Town Administrator or the Human Resources Director, who will determine if an investigation is warranted and, if so, will conduct a prompt investigation or designate one or more fact finders to do so.

Investigation: The fact finder's investigation may include the following steps: meeting with the complaining individual to discover the details of the complaint; asking the individual for a written statement indicating the identity of the alleged offending party and the date, location and nature of the alleged Harassment; and meeting with the alleged offending party to inform him or her of the contents of the complaint and provide him or her with an opportunity to respond. Further, if there is a significant dispute of fact, the fact finder may give each party an opportunity to identify persons who can support or corroborate his or her version of the facts, and may contact those individuals and/or other individuals whom the fact finder believes may have additional information regarding the issues raised in the complaint.

Resolution: Based upon the information gathered in the investigation, the fact finder will determine whether the Town of Westwood's policy was violated and, if appropriate, will recommend corrective action to the Town Administrator. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate the Town will also impose disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances. When the investigation is completed, the Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

State and Federal Remedies: In addition to the above, if an employee believes that he or she has been subjected to sexual harassment, the employee may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

Responsible Agencies

U.S. Equal Employment Opportunity  
Commission  
One Congress Street, 10th Floor, Room 1001  
Boston, MA 02114  
(617) 565-3200

Massachusetts Commission Against  
Discrimination  
One Ashburton Place -or- 436 Dwight St. Rm 220  
Boston, MA 02108      Springfield, MA 01103  
(617) 994-6000      (413) 739-2145

APPENDIX C

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants and applicants for the rental or leasing of housing.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed:

**I. CONDUCTING CORI SCREENING**

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (“DCJIS”) and MGL c. 6, §172, and only after a CORI Acknowledgement Form has been completed.

With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

**II. ACCESS TO CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a “need to know.” This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Town of Westwood must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

**III. CORI TRAINING**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI in the Town of Westwood will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, if the Town of Westwood is an agency required by MGL c. 6 §171A, to maintain CORI Policy, all personnel authorized to conduct criminal history background checks and/or review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

**IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

- WESTWOOD PERSONNEL POLICIES -

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determination of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

V. **VERIFYING A SUBJECT'S IDENTITY**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

VI. **INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

VII. **DETERMINING SUITABILITY**

If a determination is made, based on the information as provided in Section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

VIII. **ADVERSE DECISIONS BASED ON CORI**

If an authorized official of the Town of Westwood is inclined to make an adverse decision based on the result of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy the Town of Westwood's CORI Policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall be provided a copy of the DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

**IX. SECONDARY DISSEMINATION LOGS**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

The above policy was signed and adopted by the Board of Selectmen on the ninth day of July in the year two-thousand and twelve.

Philip N. Shapiro, Chairman  
Patrick J. Ahearn, Clerk  
Nancy C. Hyde, Third Member

- WESTWOOD PERSONNEL POLICIES -

APPENDIX D

DRUG FREE WORKPLACE POLICY

The Town of Westwood recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and it has a detrimental effect on the professional and personal lives of its employees and the community. Because the Town of Westwood is committed to being part of the solution to such problems and in order to ensure the safety of the workplace, its employees and the public, this policy is hereby established.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all Town workplaces. The Town shall distribute to all employees drug awareness and education materials which you must read and acknowledge. These materials will describe the dangers of substance abuse, the statewide policy of a drug free workplace, available substance abuse counseling, and rehabilitation and assistance programs. The Town shall include education specifically addressing the role of supervisors in maintaining a drug free workplace. As a condition of employment the terms of this policy must be adhered to, and the violation of this prohibition shall result in one or more of the following appropriate personnel actions against you:

- (a) Mandatory participation and successful completion of a substance abuse rehabilitation or assistance program approved by the Town;
- (b) Unpaid leave of absence pending successful completion of a program described under (a) above;
- (c) Suspension and/or termination from employment.

The severity of any personnel action shall be decided by the Town Administrator, with the approval of the Board of Selectmen in accordance with established personnel policies. Any employee who violates these prohibitions also risks legal prosecution.

As a further condition of employment, you must notify the Town Administrator of any criminal drug statute conviction for a violation occurring within the workplace or of any criminal drug statute conviction that affects your ability to perform your job duties (such as loss of a required job license) no later than the next business day after such conviction.

The Town will, from time to time, update, amplify and reinforce its policy set out above through the dissemination of drug education and awareness material and programs which may necessitate your attendance at lectures, seminars, or films.

APPENDIX E

**TOWN OF WESTWOOD MASSACHUSETTS  
INFORMATION TECHNOLOGY RESOURCES  
ACCEPTABLE USE POLICY**

This document formalizes the policy for employees and contractors ("users") for the Town of Westwood on the use of **Information Technology Resources (ITRs)**; including computers, printers and other peripherals, programs, data, local and wide area networks, electronic resources including email and the Internet.

**1. User Responsibilities**

It is the responsibility of any person using Information Technology Resources (ITRs) to read, understand, and follow this policy as well as the Town of Westwood Information Technology User Responsibility Agreement signed by all network users (see attached). In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of ITRs. Any person with questions regarding the application or meaning of this policy should seek clarification (by contacting the Information Technology Department 781-320-1021 or [it@town.westwood.ma.us](mailto:it@town.westwood.ma.us)). Failure to observe this policy may subject individuals to disciplinary action, including termination of employment.

**2. Acceptable Uses**

The Town of Westwood believes that Information Technology Resources (ITRs) empower users and make their jobs more fulfilling by allowing them to deliver better services at lower costs. As such, employees and contractors are encouraged to use ITRs to the fullest extent in pursuit of the Town of Westwood goals and objectives.

**3. Unacceptable Uses of Town of Westwood ITRs**

Unless such use is reasonably related to a user's job, it is unacceptable for any person to use Town of Westwood ITRs:

- in furtherance of any illegal act, including violation of any criminal or civil laws or regulations, whether state or federal
- for any political purpose
- for any commercial purpose
- to send threatening or harassing messages, whether sexual or otherwise
- to access or share sexually explicit, obscene, or otherwise inappropriate materials
- to infringe any intellectual property rights
- to gain, or attempt to gain, unauthorized access to any computer or network
- for any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs
- to intercept communications intended for other persons
- to misrepresent either the Town of Westwood or a person's role at the Town of Westwood
- to distribute chain letters
- to access online gambling sites, or
- to libel or otherwise defame any person.

**4. Data Confidentiality**

In the course of performing their jobs, Town of Westwood employees and contractors often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for employees or contractors to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees or contractors disseminate any confidential information that they have rightful access to, unless such dissemination is required by their jobs.

**5. Copyright Protection**

Computer programs are valuable intellectual property. Software publishers can be very aggressive in protecting their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.

## **6. Computer Viruses**

Users should exercise reasonable precautions in order to prevent the introduction of a computer virus into the local area or wide area networks. Virus scanning software should be used to check any software downloaded from the Internet or obtained from any questionable source. In addition, executable files (program files that end in ".exe") should not be stored on or run from network drives.

## **7. Network Security**

Most desktop computers are connected to a local area network, which links computers within the Town of Westwood and, through the wide area network, to most other computers in town government. As such, it is critically important that users take particular care to avoid compromising the security of the network. Most importantly, users should never share their passwords with anyone else, and should promptly notify the Town of Westwood IT Department personnel if they suspect their passwords have been compromised. In addition, users who will be leaving their PCs unattended for extended periods should either log off the network or have a password protected screen savers in operation.

## **8. E-mail**

When using e-mail, there are several points users should consider. First, because e-mail addresses identify the organization that sent the message (username@townhall.westwood.ma.us), users should consider e-mail messages to be the equivalent of letters sent on official letterhead. For the same reason, users should ensure that all emails are written in a professional and courteous tone. Finally, although many users regard e-mail as being like a telephone in offering a quick, informal way to communicate, users should remember that e-mails can be stored, copied, printed, or forwarded by recipients. As such, users should not write anything in an e-mail message that they would not feel just as comfortable putting into a memorandum. NOTE: All emails are public documents.

## **9. No Expectation of Privacy**

Town of Westwood ITRs are the property of the Town of Westwood Massachusetts and are to be used in conformance with this policy. The Town of Westwood retains and, when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace, will exercise the right to inspect any user's computer, any data contained in it, and any data sent or received by that computer. Users should be aware that network administrators, in order to ensure proper network operations, routinely monitor network traffic. Use of Town of Westwood ITRs constitutes express consent for the Town of Westwood to monitor and/or inspect any data that users create or receive, any messages they send or receive, and any web sites that they access. Any information sent through an ITR is considered to be a public document.



**Town of Westwood Massachusetts**

**INFORMATION TECHNOLOGY USER RESPONSIBILITY AGREEMENT**

**Name** (Please Print): \_\_\_\_\_

Each Town of Westwood user has the following responsibilities when using Town of Westwood resources:

1. I have read and understand the Town of Westwood's Acceptable Use Policy, a copy of which is attached hereto. My continued use of my network login, password, and Town of Westwood resources is contingent on my compliance with this Agreement and the attached Acceptable Use Policy.
2. My Log-in IDs have been issued to me *exclusively for the purpose of enabling me to perform my job duties* as an employee or contractor for the Town of Westwood Massachusetts. My Log-in IDs will allow me to use one or more town systems such as Softright, Harpers Millennium, Public Safety Dispatch, Assessing and Aspen/X2 to which I have been explicitly granted access. My login will enable me to use the Town of Westwood's Information Technology Resources (ITRs) to which I have been granted access for additional purposes. My Network Log-in IDs are referred to hereafter as "Log-in IDs".
3. I will respect the privacy of other Authorized Users; for example, Authorized Users shall not intentionally seek information on, obtain copies of, or modify files, tapes, or passwords belonging to other Authorized Users unless explicitly authorized to do so by those Authorized Users.
4. I will respect the integrity of computing systems; for example Authorized Users shall not intentionally develop or use any programs that infiltrate a computer or computing system or damage or alter the software components of a computer system.
5. I will keep my network Log-in IDs and corresponding passwords confidential, and not knowingly allow anyone else to use them for any reason. I will not disclose Log-in IDs to anyone, including coworkers. I will not record and store Log-in IDs and passwords in a manner that makes them accessible to others, or e-mail them to anyone.
6. If I am requested to choose a password, I must not choose a variation on my Log-in IDs, my first, middle, or last names (current or former); the names of my immediate family members; or other information easily obtainable about me (license plate number, telephone number, social security number, automobile brand, street name). I must choose a password that is easy for me to remember so that I don't have to write it down.
7. I am solely responsible for my Log-in IDs and corresponding passwords. This means that I can be held accountable for any access gained and/or any transactions attempted or completed with my Log-in IDs and corresponding passwords by me or anyone else who gains access to the Town of Westwood ITRs as a result of my negligence in failing to safeguard this information.
8. I must immediately report to my department any information that would lead a reasonable person to believe that someone else other than me had obtained access to my Log-in IDs and corresponding passwords.
9. I am not authorized to allow anyone to have access to, and I am not authorized to release, any information or data held in the Town of Westwood ITRs and accessible to me through the use of my Log-in IDs and passwords except in a manner consistent with the laws, regulations and policies of the Town of Westwood.
10. I may have the opportunity to access the Town of Westwood ITRs remotely, using authorized remote access methods such as VPN or Web-based processes such as SSL Access or webmail. I understand that remote use of the Town of Westwood ITRs multiplies the possibilities for inadvertent disclosure of the Town of Westwood confidential data. Passersby eavesdropping over my shoulder, passengers sitting next to me on public transportation, or family members in my home could have inappropriate (and in some cases illegal) access to the Town of Westwood confidential data similar to that which would occur if I removed such

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information from my office and left it in plain view of the public. Remote access to the Town of Westwood ITRs poses the same or greater risks than offsite use of paper resources containing such data. When accessing the Town of Westwood data remotely using any authorized technology, I will take extra precautions to ensure that my use does not compromise the confidentiality of the Town of Westwood data or the privacy of individuals and other entities to whom such information pertains. Such extra precautions include, but are not limited to, shielding the screen of my remote access device (laptop, PC, or PCD) from others, and logging off if I leave such device out of my sight and in the view of others during a work session. I understand that my Log-in IDs can be revoked if I violate the terms of the Town of Westwood's Remote Access Policy.

11. I understand that incoming and outgoing e-mails are archived. Additionally all emails are scanned for viruses and "spam", and may be screened for profanity (specifically, offensive ethnic, racial or sexual language). Additionally, I understand that all emails are public documents and are subject to Public Records Law.
12. I understand that the purpose of email is to facilitate business communication inside and outside the Town of Westwood. Proper uses of email include inquiries into prospective vendors, communicating with colleagues, distributing information. Since email communication carries the Town name, any material disseminated through email shall contain the same professionalism that a memo or letter with the Town Seal contains.
13. I understand that access to the internet is provided for business purposes only. Improper use may be monitored.
14. I will not copy, install or use software on Town of Westwood equipment except as permitted by the owner of the software and by law and the Town of Westwood Information Technology Department. Software subject to licensing must be properly licensed and all license provisions (including installation, use, copying, number of simultaneous Authorized Users, terms of license, etc.) must be strictly adhered to. I will notify the Town of Westwood IT Department before installing any software.
15. I will not connect a device not provided by the Town of Westwood to the Town's network infrastructure. If a device is required for Town of Westwood operations, then I will notify the Town of Westwood IT Department of the need.
16. I understand that improper use of or negligence in safeguarding my Log-in IDs and passwords and Town of Westwood ITRs to which I have access as a result of my possession of these identifiers will result in my agency's suspension of my use of these identifiers. **If I am an employee**, improper use of or negligence in safeguarding such information, and any other violation of this IT User Responsibility Agreement, **may subject me to disciplinary action up to and including termination. If I am a contractor, such use may result in termination of my contract. Whether I am an employee or contractor, such use, negligence or violations may expose me to civil liability and criminal fines and imprisonment.**
17. If I have any questions concerning the security or use of my Log-in IDs and passwords, I understand that I may contact the Information Technology Department at 781-320-1021 ([it@town.westwood.ma.us](mailto:it@town.westwood.ma.us)) with questions.

**I have read, understand, and will abide by the above Acceptable Use Policy when using computer and other electronic resources owned, leased, or operated by the Town of Westwood. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, disciplinary action may be taken, and/or appropriate legal action may be initiated by the Town of Westwood.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**RETURN ORIGINAL TO INFORMATION TECHNOLOGY DEPARTMENT. PLEASE MAKE COPY FOR YOUR RECORDS.**

APPENDIX F

**TOWN OF WESTWOOD  
DOMESTIC VIOLENCE LEAVE POLICY**

**I. POLICY STATEMENT**

The Town of Westwood is committed to the health and safety of its employees and their families. An employee who is a victim of domestic violence or abusive behavior, or whose immediate family member is such a victim, is encouraged to contact the Human Resources Director in confidence about the situation.

*An Act Relative to Domestic Violence* entitles employees of Massachusetts employers (public and private) who employ 50 or more employees in the state, with up to fifteen (15) days of leave from work in any twelve (12) month period if an employee, or family member of an employee, is a victim of domestic violence or abuse. The Town of Westwood defines a twelve-month period as a rolling twelve-month period, beginning on the date an employee commences leave. This policy advises employees of their rights in accordance with state law.

In the event of any conflict between the Town of Westwood's Domestic Violence Leave Policy and State law and any applicable regulations, the State law/regulations shall prevail.

**II. APPLICATION**

This Policy applies to all employees of the Town of Westwood. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

**III. DEFINITIONS**

"Abusive behavior" includes domestic violence, stalking, sexual assault, and kidnapping.

"Domestic violence" is defined as abuse against an employee or an employee's family member by:

1. A current or former spouse;
2. A person with whom the employee or family member shares a child in common;
3. A person with whom the employee or family member is or was cohabitating;
4. A person with whom the employee or family member is related by blood or marriage; or
5. A person with whom the employee or family member has or had a dating or engagement relationship.

"Family members" are defined as:

1. Persons who are married to one another;
2. Persons in a substantive dating or engagement relationship who reside together;
3. Persons having a child together; or
4. Parents, step-parents, children, step-children, siblings, grandparents, grandchildren and persons in a guardian relationship.

**IV. REASONS FOR TAKING LEAVE**

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Leave may be taken for any of the following reasons related to being a victim of domestic violence or caring for a family member who is a victim:

1. Seek or obtain medical attention, counseling, victim services, or legal services;
2. Secure housing;
3. Obtain a protective order from a court;
4. Appear in court or before a grand jury;
5. Meet with a district attorney or other law enforcement official;
6. Attend child custody proceedings; or
7. Address other issues directly related to the abusive behavior against the employee or a family member of employee.

In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

#### V. NOTICE

Except in cases of imminent danger to the health or safety of an employee (or employee's family member), employees are required to provide the Human Resources Director with at least one week advance notice, in writing, of the employee's intent to take domestic violence leave.

In cases of imminent danger, the employee is required to notify the Human Resources Director within three (3) workdays that the leave was taken or is being taken under the Domestic Violence Law. Such notification may be communicated by a family member, counselor, social worker, advocate, member of the clergy, or other professional assisting the employee in addressing the effects of the abusive behavior on the employee or the employee's family member. The employee or authorized individual may communicate the purpose of the leave to the Human Resources Director by telephone, in person, in writing, or by other reasonable means of communication.

#### VI. DOCUMENTATION

The Town of Westwood requires documentation showing that an employee or employee's family member is a victim of domestic violence and that the employee is taking leave consistent with the Law and this Policy. An employee may satisfy this request by producing any of the following documents within a reasonable period of time, not to exceed thirty (30) days:

1. Protective order, order of equitable relief, or other documentation issued by a court as a result of the abusive behavior against the employee or family member;
2. A document under the letterhead of a court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
3. A police report or statement of a victim or witness provided to the police;
4. Documentation that the perpetrator of the abusive behavior has: admitted to sufficient facts to be found guilty of, or been convicted of, or adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave;
5. Medical documentation of treatment as a result of the abusive behavior;
6. A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other similar professional who has assisted the employee or the employee's family member in

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- addressing the effects of the abusive behavior; or
7. A sworn statement, signed under the pains and penalties of perjury, that the employee or the employee's family member is a victim of abusive behavior.

All information related to an employee's leave is required to be kept confidential, unless consented to, in writing, by the employee or otherwise required by law.

**VII. PAYMENT OF WAGES ON LEAVE**

An employee must use any accrued vacation leave, personal leave and sick leave available to him or her during this leave. If all paid leave has been exhausted, unpaid leave may be taken.

**VIII. CONFIDENTIALITY OF LEAVE REQUEST**

All information provided by the employee concerning a request for leave under this Act shall be kept confidential by the Town of Westwood. The Town shall not disclose any information related to an employee's request for leave, except to the extent that disclosure is:

- a) requested or consented to, in writing, by the employee;
- b) ordered to be released by a court;
- c) otherwise required by applicable federal or state law;
- d) required in the course of an investigation authorized by law enforcement; or
- e) necessary to protect the safety of anyone employed at the workplace.

**IX. RETURN TO WORK**

Employees who take leave pursuant to this Policy will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status.

**X. NO RETALIATION**

The Town shall not discharge or in any other way discriminate or retaliate against an employee for exercising his/her rights under this Policy, provided that the employee provides qualifying documentation to support his/her leave within thirty (30) days from commencement of the leave. A qualified employee taking leave under this Policy shall not lose any benefit accrued prior to the taking of leave and will be restored to the same or equivalent position upon return.

**XI. CONTACT INFORMATION**

Joan Courtney Murray  
Director of Human Resources  
Town of Westwood  
781-320-1028  
[jcmurray@townhall.westwood.ma.us](mailto:jcmurray@townhall.westwood.ma.us)

**Approved/Effective Date: April 11, 2016**

APPENDIX G

**Town of Westwood  
Pregnant Workers Fairness Policy**

Employees in Massachusetts have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express milk for a nursing child, and the right to reasonable accommodations for conditions related to pregnancy. Employers may not treat employees less favorably than other employees based on pregnancy or pregnancy-related conditions, and may not refuse to hire or deny an employment opportunity to an employee because of the employee's request for or use of a reasonable accommodation for pregnancy or a pregnancy-related condition.

To request an accommodation for your pregnancy or a pregnancy-related condition, please contact the Director of Human Resources. Upon this request we will engage in an interactive process to work with you to determine a reasonable accommodation which will enable you to perform the essential functions of your job. We will accommodate pregnancy and pregnancy-related conditions unless doing so would pose an undue hardship to the Town.

The Town cannot require an employee affected by pregnancy or a pregnancy-related condition to accept an accommodation, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job. The Town cannot require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, without undue hardship to the Town.

The Town may require that medical documentation about the need for a reasonable accommodation be provided. However, the Town will not require medical documentation about the need for an accommodation for pregnancy or pregnancy-related conditions if the accommodation requested is for: (i) more frequent restroom, food, or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk.

**Effective Date: 4/1/2018**